

**Response to Rule 312
Communication**

Application No.

08/266,154

Applicant(s)

Morrison et al

Examiner

Julie E. Reeves, Ph.D.

Group Art Unit

1642



☐ The petition filed on _____ under 37 CFR 1.312(b) is granted. The paper has been forwarded to the examiner for consideration on the merits.

☒ The amendment filed on May 4, 1998 under 37 CFR 1.312 has been considered, and has been:

☐ entered.

☐ entered as directed to matters of form not affecting the scope of the invention (Order 3311).

☒ disapproved. See explanation below.

☐ entered in part. See explanation below.

92 Amdt raises 112, 1st & 2nd and new matter issues concerning expression of "specifically associated peptides chains, each chain derived from an immunoglobulin" because (1) "derived" is indefinite, (2) the spec fails to provide enablement for production of antibodies which express less than an entire variable constant domain and (3) the spec clearly states on page 10 lines 1 & 35 that the antigen binding protein would have a constant domain. Further, the remarks presented in paper no 63, pages 4-5 are not commensurate in scope with the claims, as written, because they specify that a variable region and constant region must be present, however, the claims encompass antigen-binding proteins with less than a variable region and constant region. It is noted that the spec (page 10, lines 1&35) does provide support for antigen-binding proteins which contain a variable domain and a constant domain (constant region is made up of three constant domains and a hinge region). Claims reciting these limitations would be considered favourably.


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